

Serial No.: 09/604,595
Docket No.: ST97001CI2 (209-US-CIP2)

REMARKS

Claims 1, 3, 5, 6, 8, 10, 16, 18, 20-22, 25, 26, 33, and 34 are currently pending in the present patent application. Applicant has amended claims 1, 3, 5, 6, 8, 10, 16, 18, 20, while canceling claims 4, 9, 19, 23-24, and 27-28. The claims were canceled in order to expedite the issuance of this patent application and no other inference other than expediting the issuance of this patent application should be made. Applicant reserves his rights to file a continuation and further prosecute all canceled claims and disputes all accusations of non-patentability. Applicant believes that this Non-final Office Action Response has added no new matter.

Response to Objections

The Examiner raised objections to claims 1, 3-6, 8-10, and 18-20. Applicant has corrected the identified informalities and the non-canceled claims are in condition for allowance.

Response to 35 U.S.C. §101 Rejection

The Examiner rejected claims 4, 9, and 19 under 35 U.S.C. §101 asserting that the claimed invention lacks patentable utility. This rejection is now moot because claims 4, 9, and 19 have been canceled.

Response to 35 U.S.C. §112 Rejection

The Examiner rejected claims 23, 24, 27, 35 and 36 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled claims 23, 24, 27, 35 and 36 and this rejection is now moot.

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Response to 35 U.S.C. §102 Rejection

The Examiner rejected claims 1, 3, 5, 6, 8, 10, 16, 18, and 20 under 35 U.S.C. §102(e) as being anticipated by *Kawabe et al.* patent (U.S. Pat. No. 3,377,613, hereafter the '613 patent). The earliest priority date for the '613 patent is October 23, 1998. The present application claims priority back to issued U.S. Pat. No. 6,044,105 that has a filing date of September 1, 1998. Thus, the September filing date of the parent case predates the '613 patent's priority date. Figures 5a and 5b along with the specification of the '105 patent shows that the subject matter of the rejected claims in the present application predates the '613 patent. Therefore the '613 patent may not be considered as prior art and the claims rejected under 35 U.S.C §102 are in condition for allowance.

Response to 35 U.S.C. §103 Rejection

The Examiner rejected independent claims 16, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over the '163 patent in view of *Langberg et al.* (cited in previous Office Action of June 9, 2004). Applicant has explained above that the '163 patent may not be considered prior art. Therefore, the combination of the '163 patent with the *Langberg et al.* is based on a reference that is a prior art reference as required by 35 U.S.C. §103.

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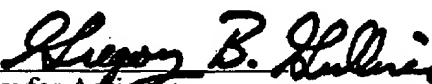
Allowable Subject Matter

Applicant acknowledges that claims 21, 22, 25, 26, 33, and 34 are in condition for allowance and thank the Examiner for such findings.

Conclusion

In view of the foregoing discussion and the terminal disclaimer, Applicant respectfully submits that claims 1, 3, 5, 6, 8, 10, 16, 18, 20-22, 25, 26, 33 and 34 as presented and in view of the remarks are in a condition for allowance, for which action is earnestly solicited.

Respectfully submitted,

By 
Attorney for Assignee
Gregory B. Gulliver, Reg. 44,138
Phone: (312) 720-0308
Fax: (312) 264-2387

THE ECLIPSE GROUP, LLP
100 Tri-state International, Suite 128
Lincolnshire, IL 60069

Customer No. 34408